

Remarks

Claims 55 and 70-74 are pending in the application. Claims 55 and 70-74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buchanan et al. (U.S. Patent No. 6,984,591) in combination with March (U.S. Application No. 2001/0055869), Uhlenbrock et al. (U.S. Patent No. 6,690,055) and Kobayashi et al. (U.S. Application No. 2002/0098686). Applicant requests reconsideration of this rejection in view of the following remarks.

Initially, an Examiner bears the burden of factually supporting any conclusion of obviousness. The Applicants need not submit any evidence of non-obviousness until the Examiner produces a prima facie case that the claims are obvious. One of the basic criteria required to establish a prima facie case is that all of the claimed limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580, 582-3 (CCPA 1974). For at least the reason that the pending claims recite limitations that are not described by the prior art, the pending claims are allowable and the Examiners rejection should be withdrawn.

Claim 55 recites, in pertinent part, "etching the second conductive material into a rectangular block, wherein the sidewalls of the block are aligned vertically between the sidewalls defining the opening in at least the one cross-section." As Examiner Mitchell recognized in the Notice of Allowability mailed December 13, 2006, "the prior art fails to disclose or make obvious etching the metal into a rectangular block with its sides


vertical with sidewalls defining an opening in an insulation layer including all the limitations of the independent claim." This statement is as true now as it was then, and for the Examiner's own reasons, claim 55 is allowable.

Claim 70 recites "etching the second conductive material into a rectangular block, wherein the sidewalls of the block are aligned vertically between the sidewalls defining the opening in at least the one cross-section." Claim 70, like claim 55 above, was also found allowable in the Notice mailed December 13, 2006, as was claim 71-74 depending therefrom. For at least these reasons, claims 55 and 70-74 are allowable in view of the cited references.

Claims 55 and 70-74 are believed to be in immediate condition for allowance and Applicant requests allowance of claims 55 and 70-74 in the Examiner's next action. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the Examiner is requested to contact the undersigned at (509) 624-4276 between 8:00 am and 5:00 pm (PST).

Respectfully submitted,

Dated: 11/5/07

By: 
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